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Prevention of armed conflict

Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letter dated 1 April 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a decision of the State Duma of the Federal Assembly of the Russian Federation in connection with its statement "On the tenth anniversary of the military operation launched by the North Atlantic Treaty Organization (NATO) against the Federal Republic of Yugoslavia" (see annex).

I should be grateful if you would have the aforementioned decision and statement issued and circulated as a document of the General Assembly, under agenda items 12 and 68, and of the Security Council.

(*Signed*) Igor **Shcherbak**
First Deputy Permanent Representative of the
Russian Federation to the United Nations

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Annex to the letter dated 1 April 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

Statement of the State Duma of the Federal Assembly of the Russian Federation "On the tenth anniversary of the military operation launched by the North Atlantic Treaty Organization (NATO) against the Federal Republic of Yugoslavia"

The State Duma of the Federal Assembly of the Russian Federation hereby decides:

1. To adopt the statement of the State Duma of the Federal Assembly of the Russian Federation "On the tenth anniversary of the military operation launched by the North Atlantic Treaty Organization (NATO) against the Federal Republic of Yugoslavia".

2. To transmit this decision and the aforementioned statement to the President of the Russian Federation, Mr. D. A. Medvedev, the Government of the Russian Federation, the Public Chamber of the Russian Federation, the United Nations, the Inter-Parliamentary Union, the European Parliament, the Parliamentary Assembly of the Council of Europe, the Parliamentary Assembly of the Organization for Security and Cooperation in Europe, the Inter-Parliamentary Assembly of the States Members of the Commonwealth of Independent States, the Parliamentary Assembly of the North Atlantic Treaty Organization and the National Assembly of the Republic of Serbia.

3. To transmit this decision and the aforementioned statement to the Parliamentary Gazette for official publication.

4. This decision shall enter into force on the date of its adoption.

(*Signed*) B. V. **Gryzlov**
Chairman of the State Duma of the Federal Assembly
of the Russian Federation

Moscow, 20 March 2009
No. 1857-5 GD

Enclosure

On the tenth anniversary of the military operation launched by the North Atlantic Treaty Organization (NATO) against the Federal Republic of Yugoslavia

In connection with the tenth anniversary of the military operation launched by the North Atlantic Treaty Organization (NATO) against the Federal Republic of Yugoslavia, the State Duma of the Federal Assembly of the Russian Federation declares that its assessment of this aggressive act against a sovereign State remains unchanged.

In its statement of 27 March 1999 "In connection with the aggression of the North Atlantic Treaty Organization against the Federal Republic of Yugoslavia", the State Duma strongly condemned the war against an independent State and the missile and bomb attacks on civilians, concluding that "the military actions against Yugoslavia by NATO, undertaken without the authorization of the United Nations Security Council, undermine the entire system of international security based on the authority of the United Nations and discredit the role of the Organization for Security and Cooperation in Europe (OSCE)".

Time has shown the correctness of that assessment, including the assertion that any actions taken to bypass the United Nations, in violation of international law, will never help to resolve complex conflicts or to stabilize the international situation. The military operation, justified in the West on humanitarian grounds, caused great harm to the people and economy of the Federal Republic of Yugoslavia. It inevitably gave rise to the new humanitarian challenges now facing hundreds of thousands of Serbian refugees and the small Serbian population still in Kosovo, and also had grave political implications for the situation in the Balkans and for security, peace and stability in Europe.

The deputies of the State Duma are deeply convinced that the NATO military action against Yugoslavia in 1999 led to the unlawful unilateral declaration of Kosovo as an independent State in contravention of United Nations decisions, notably Security Council resolution 1244 (1999). The premature recognition of a new entity by the States that were the main organizers of the military operation in March 1999, their allies and the States dependent on them was not objectively determined by the readiness of the province to become a new subject of international law or by the genuine achievements of the interim administration in Kosovo in terms of nation-building or ensuring the rights and freedoms of the population in the province. Instead, this recognition was motivated by the desire of those States to justify and legitimize, if only partially, an illegal process that began with the NATO actions taken a decade ago.

The deputies of the State Duma believe that every effort must be made to address the negative consequences arising from the events of a decade ago that, inter alia, led to clear distortions in the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (International Criminal Tribunal for the Former Yugoslavia), which has been mainly concerned with prosecuting participants in the conflict on the Serbian side. To all intents and purposes, the perpetrators of crimes against the Serbs and their

holy sites have gone unpunished. March 17 marked the fifth anniversary of the tragic events of 2004, when hundreds of people fell victim to anti-Serb pogroms in Kosovo and dozens of churches and monasteries were destroyed and desecrated.

The Kosovo precedent has helped to create many dangerous trends in international affairs by strengthening separatism and reducing the role of negotiations in the settlement of disputes, leading some States to seek to resolve their internal and external conflicts through military force. The deputies of the State Duma are convinced that the military action taken against the Federal Republic of Yugoslavia in 1999 was largely responsible for the decision of Georgia to carry out an armed attack on South Ossetia in August 2008: in both cases NATO support provided unduly to one party to the conflicts helped that party to withdraw from the negotiation process taking place within the legal framework established by the international community and encouraged reliance on the use of military force in those conflicts. In the case of both the military operation of 1999 and the aggression of Georgia in August 2008, a settlement agreeable to all parties to the conflicts has not been achieved and the foundations of international law, peace and stability were grossly violated by those who launched the military actions.

The State Duma calls on the President of the Russian Federation, Mr. D. A. Medvedev, and the Government of the Russian Federation to make every effort to complete the work of the International Criminal Tribunal for the Former Yugoslavia and to resume negotiations on the status of Kosovo in strict compliance with Security Council resolution 1244 (1999).

The deputies of the State Duma support the policy adopted by the leadership of the Republic of Serbia in the search for an exclusively legal resolution to the conflict. This constructive approach has already received international support in the United Nations General Assembly, which, on 8 October 2008, adopted resolution A/RES/63/3 submitted by the Republic of Serbia, entitled "Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law".

The State Duma reaffirms its long-standing position: the Autonomous Province of Kosovo and Metohija shall remain an integral part of the Republic of Serbia until a settlement satisfactory to both sides is reached and an appropriate legal decision has been adopted.

Moscow
20 March 2009